

**Notice of Allowability**

Application No.

10/723,874

Applicant(s)

OHBA, AKIO

Examiner

Art Unit

Sheela C. Chawan

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 20, 2006.
2. ☒ The allowed claim(s) is/are 17-50. Renumber as 1-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892) 8/6/06
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



***DETAILED ACTION***

***Response to Amendment***

1. Applicant's amendment filed on September 20, 2006 has been entered.

Claims 17-50 are pending in the application.

In response to applicant's amendment and double patenting rejection has been withdrawn and claims 17-50 are now allowed.

***Response to Arguments***

2. Applicant's arguments filed on September 20, 2006 have been fully considered and persuasive (see page 2, of the remarks filed on September 20, 2006) and submission of terminal disclosure filed September 20, 2006 to obviate a double patenting rejection over a patent pending application 09/315,082. The double patenting rejection is withdrawn and all the pending claims 17- 50 are now allowed.

***Drawings***

3. The Examiner has approved drawings filed on 10/9/03.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 11/26/03,12/23/04, 8/22/05, the examiner has considered 1/9/06.

***Terminal Disclaimer***

5. The terminal disclaimer filed on 9/20/06 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 09/315,082 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Reasons For Allowance***

6. The following is an examiner's statement of reasons for allowance:

Claims 17-50 are allowed and Renumbered as 1-34.

Applicant's arguments filed on September 20, 2006 have been fully considered and persuasive (see page 2, of the remarks filed on September 20, 2006) and submission of terminal disclosure filed September 20, 2006 to obviate a double patenting rejection over a patent pending application 09/315,082. The double patenting rejection is withdrawn and all the pending claims 17- 50 are now allowed.

7. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.


**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Friday 7.30 - 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan  
Patent Examiner  
Group Art Unit 2624  
September 28, 2006

  
SHEELA CHAWAN  
PRIMARY EXAMINER